

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

MEDSOURCE STAFFING, L.L.C.
D/B/A MSR HEALTHCARE GROUP

v.

BENEFIS HEALTH SYSTEM, INC.

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Civil Action No. _____

BENEFIS HEALTH SYSTEM, INC.'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

BENEFIS HEALTH SYSTEM, INC. ("Benefis") files this Notice of Removal pursuant to 28 U.S.C. §1446(a) and respectfully shows the following:

Procedural Background

1. On October 27, 2010, Plaintiff filed its Original Petition in the matter entitled Cause No. 2010-DCL-6582; *Medsource Staffing, LLC, d/b/a MSR Healthcare Group vs. Benefis Health System, Inc.*; In the 357th Judicial District Court, Cameron County, Texas.

Nature of the Suit

2. This lawsuit involves a dispute over the handling of a service agreement between plaintiff and defendant. Plaintiff claims Benefis Health System, Inc. committed fraud and breached its contract with the Plaintiff.

Basis for Removal

3. Removal is proper under 28 U.S.C. §1332 because there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

4. There is complete diversity of citizenship between the parties. At the time Plaintiff filed its Original Petition on October 27, 2010 and as of the date of filing this Notice, Benefis was an association of individuals who were all residents and citizens of the state of Montana.¹ Accordingly, at the time of filing of this suit, and through the filing of this Notice, Benefis was and is considered an out-of-state citizen for diversity jurisdiction purposes.

5. Upon information and belief, Plaintiff is a business entity of Texas when it filed its Petition, and continues to be a citizen of Texas.

6. Further, this Court has diversity jurisdiction over this matter because the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. Although the amount in controversy is not specified in Plaintiff's Original Petition, it is clear that the actual amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

7. In determining the amount in controversy, the court may consider "... penalties, statutory damages, and punitive damages."² Plaintiff further alleges that Benefis breached the contract when it failed to pay plaintiff for the services rendered.³ Plaintiff seeks unspecified damages for breach of contract.

8. Further, Plaintiff seeks actual and exemplary damages for its claims of breach of

¹ See *Royal Ins. Co. of America v. Quinn-L Capital Corp.*, 3 F.3d 877, 882 (5th Cir. 1993), *cert. denied*, 114 S. Ct. 1541 (1994) (defining "Lloyds' Plan" insurer). *Alcorn v. State Farm Lloyds*, Civil Action No. 3:98-CV-0772-BC, 1998 U.S. Dist. LEXIS 17144, *3-4 (N.D. Tex. Oct. 23, 1998) (recognizing that State Farm Lloyds' underwriters are citizens of Illinois).

St. Paul Reinsurance Co., Ltd v. Greenberg, 134 F.3d 1250, 1253 (5th Cir. 1998); see *Ray*, 1999 WL 151667 at *2-3 (finding a sufficient amount in controversy in Plaintiffs' case against their insurance company for breach of contract, fraud, negligence, gross negligence, bad faith, violations of the Texas Insurance Code, violations of the Texas Deceptive Trade Practices Act, and mental anguish); *Fairmont Travel, Inc. v. George S. May Int'l Co., et. al.*, 75 F. Supp. 2d 666, 668 (S.D. Tex. 1999) (considering DTPA claims and the potential for recovery of punitive damages for the amount in controversy determination); *Chittick v. Farmers Insurance Exchange*, 844 F. Supp. 1153, 1155 (S.D. Tex. 1994) (finding a sufficient amount in controversy after considering the nature of the claims, the types of damages sought and the presumed net worth of the defendant in a claim brought by the insureds against their insurance company for actual and punitive damages arising from a claim they made for roof damages).

³ Plaintiff's Petition at paragraph 13.

contract and fraud.⁴ Plaintiff also seeks attorney fees.⁵ Thus, given the nature of Plaintiff's claim, and the types of damages sought, it is more likely than not that the amount in controversy exceeds the federal jurisdictional minimum of \$75,000.00.

The Removal is Procedurally Correct

9. Benefis was first served with the Original Petition on November 1, 2010. Therefore, Benefis filed this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b).

10. Venue may be proper in this Court, however, Defendant will request and file a motion to transfer venue to the appropriate federal court in Montana as is allowed under federal law and procedures and under the doctrine of *foreign non conveniens*. All the witnesses, except one, are residents of Montana and a substantial part of the events giving rise to plaintiff's claims occurred in Montana.

11. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice as Exhibit A.

12. Pursuant to 28 U.S.C. §1446(d), promptly after Benefis files this Notice, written notice of the filing of this Notice of Removal will be given to Plaintiff, the adverse party.

13. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice will be filed with the District Clerk of Cameron County, Texas, promptly after Benefis files this Notice.

WHEREFORE, BENEFIS requests that this action be removed from the 357TH Judicial District Court of Cameron County, Texas to the United States District Court for the Southern District of Texas, Brownsville Division, and that this Court enter such further orders as

⁴ See Plaintiff's Petition at paragraphs 12-16.

⁵ See Plaintiff's Petition at paragraph 17.

may be necessary and appropriate.

Respectfully submitted,

ROERIG, OLIVEIRA & FISHER, L.L.P.
855 WEST PRICE RD., Ste. 9
Brownsville, Texas 78520
Telephone: (956) 542-5666
Facsimile: (956) 542-0016

ATTORNEYS FOR DEFENDANT

By: /s/ Rene O. Oliveira

RENE O. OLIVEIRA
State Bar No. 15254700
Southern District Bar No. 4033

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Removal was filed electronically with the United States District Court for the Southern District of Texas, Brownsville Division, with notice of case activity to be generated and sent electronically by the Clerk of the Court with ECF notice being sent and a copy mailed *via certified mail* on this 1st day of **December, 2010**, addressed to those who do not receive notice from the Clerk of the Court.

Francisco Zabarte
SANCHEZ, WHITTINGTON, ZABARTE & WOOD, L.L.C.
3505 Boca Chica Boulevard, Suite 100
Brownsville, Texas 78521-4214

/s/ Rene O. Oliveira
Rene O. Oliveira

EXHIBIT 'A'

CASE SUMMARY**CASE NO. 2010-DCL-06582**

**MEDSOURCE STAFFING, LLC D/B/A MSR
HEALTHCARE GROUP**
vs.
BENEFIS HEALTH SYSTEM, INC

§
§
§
§

Location: **357th District Court**
Judicial Officer: **Alejandro, Leonel**
Filed on: **10/27/2010**




CASE INFORMATIONCase Type: **Breach of Contract****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number 2010-DCL-06582
Court 357th District Court
Date Assigned 10/27/2010
Judicial Officer Alejandro, Leonel

PARTY INFORMATION

Plaintiff	MEDSOURCE STAFFING, LLC D/B/A MSR HEALTHCARE GROUP	<i>Lead Attorneys</i> ZABARTE, FRANCISCO J. <i>Retained</i> (956)546-3731(W)
Defendant	BENEFIS HEALTH SYSTEM, INC	OLIVEIRA, RENE O. <i>Retained</i> (956)542-5666(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX**

10/27/2010	 Original Petition (OCA) <i>PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR JURY</i>	
10/27/2010	Jury Fee Paid (OCA) Party: Plaintiff MEDSOURCE STAFFING, LLC D/B/A MSR HEALTHCARE GROUP	
10/27/2010	Citation by Certified Mail Issued Party: Plaintiff MEDSOURCE STAFFING, LLC D/B/A MSR HEALTHCARE GROUP Party 2: Plaintiff's Attorney ZABARTE, FRANCISCO J. <i>PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR JURY</i>	
10/27/2010	Citation by Certified Mail  BENEFIS HEALTH SYSTEM, INC Served: 11/01/2010	
11/22/2010	 Original Answer Party: Defendant BENEFIS HEALTH SYSTEM, INC	

DATE**FINANCIAL INFORMATION**

Plaintiff MEDSOURCE STAFFING, LLC D/B/A MSR HEALTHCARE GROUP	
Total Charges	348.00
Total Payments and Credits	348.00
Balance Due as of 11/30/2010	0.00
Plaintiff's Attorney ZABARTE, FRANCISCO J.	
Total Charges	0.00

US District Court
CASE SUMMARY
CASE NO. 2010-DCL-06582

Total Payments and Credits
Balance Due as of 11/30/2010

0.00
0.00



Aurora De La Garza

Cameron County District Clerk
974 E. Harrison Street
Brownsville, Texas 78520
Office (956) 544-0838 Fax (956) 544-0841

MEMORANDUM

To Filing Clerk: _____ Date: 10-27-10

Cause No: 2010-DCL-6512

Please Prepare:

☐ Change Court to _____
Continuing Jurisdiction in Cause No. _____

☒ Folder ☐ Confidential

Attorney Name: Francisco Zabarte ID# _____

☒ Need File ☐ Motion: _____ Filed _____

☐ Cit/Prec/Writ: _____ Issued: _____ Shf/Atty/CM: _____ \$ _____

☐ Cit/Prec/Writ: _____ Issued: _____ Shf/Atty/CM: _____ \$ _____

☐ Dat _____

Dep _____

Jur _____

Review _____

acc. Velasquez
Deputy

To Cou _____

ourt Date: 10-27-10

Please

☐ On _____

☐ Issue Process ☐ MAKE D.E. ☐ Make notation on Order of process issued.

☐ Give to ☐ Sheriff ☐ Attorney ☐ Other _____

☐ Send copies to attorneys or parties entitled to copy.

☐ After issuing service, return to Main Office for Folder and Docket Entry

☐ Transfer to Jury Docket:

Jury Fee Paid by _____ On _____

☐ Other _____

By: _____

Deputy

CERTIFIED COPY

FILED 4:11 O'CLOCK P M
AURORA DE LA GARZA, CLERK

OCT 27 2010

CAUSE NO. 2010-DCL-6582

DISTRICT COURT OF CAMERON COUNTY, TEXAS
Paul [Signature] DEPUTY

MEDSOURCE STAFFING, LLC,
D/B/A MSR HEALTHCARE GROUP

§

IN THE DISTRICT COURT

§

§

VS.

§

OF CAMERON COUNTY, TEXAS

§

BENEFIS HEALTH SYSTEM, INC.

§

353th JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION
AND REQUEST FOR JURY**

Plaintiff MEDSOURCE STAFFING, LLC, D/B/A MSR HEALTHCARE GROUP files
its Original Petition and Jury Demand as follows:

A. Discovery Control Plan

1. Plaintiff intends to conduct discovery under Level 2 of Texas Rule of Civil
Procedure 190.3.

B. Parties

2. Plaintiff MEDSOURCE STAFFING, LLC, D/B/A MSR HEALTHCARE
GROUP (hereinafter referred to as "MSR") is a Texas business entity with its principal place of
business in Cameron County, Texas.

3. Defendant BENEFIS HEALTH SYSTEM, INC. is a health care facility located at
1101 26th Street South, Great Falls, Montana 59405, and can be served through its registered
agent for service of process, JOHN GOODNOW.

C. Jurisdiction and Venue

4. Jurisdiction and venue are proper because MSR conducts business in Cameron
County, Texas, and Defendant solicited MSR for its services in Texas, or in the alternative, part
of the transactions for services occurred in Texas. Jurisdiction and venue are also proper because
the parties have contractually consented to jurisdiction and venue in Cameron County, Texas.

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D. Facts

5. MSR Healthcare Group is an employment recruiting firm for the healthcare industry. MSR's part-owner and Vice President of Recruiting is Jason Reinhardt.

6. Benefis Health System, Inc. (hereinafter referred to as "Hospital or Defendant") solicited and contracted with MSR to conduct a search for a physical therapist and other personnel. To begin the search process, MSR provided the Hospital with a written Service Agreement. The Service Agreement set forth the preliminary terms and conditions of the Hospital's engagement of MSR, including the terms for payment for MSR's services. Service Agreements and practice profile summaries were signed by Ann Graff, Manager Human Resources of the Hospital and Reinhardt on December 2, 2009, January 18, 2010, July 29, 2010, August 2, 2010 and August 13, 2010.

7. Upon receipt of the executed Service Agreements, Reinhardt began a nationwide search for appropriate candidates for the positions requested. Reinhardt spent a significant amount of time and resources in conducting the practice profile and reviewing both the Hospital and surrounding community to assist in locating appropriate candidates. Reinhardt provided a Post-Profile Summaries to the Hospital, pursuant to the Service Agreements.

8. Reinhardt then continued to conduct the search for job candidates. Reinhardt's activities included thousands of phone calls, numerous job vacancy postings, and screening of numerous candidates.

9. Reinhardt attempted to contact Graff at the Hospital on several occasions but became futile as Graff designated Jennifer Paladichuk to deal with her responsibilities under the contract. Paladichuk left the employment of Defendant and as new person was used as the contract. Graff herself was still not communicating directly to Reinhardt. Paladichuk later used

CERTIFIED COPY

the persons in the list identified by Reinhardt to recruit/contact them through employment of various military personnel (presumably retired or off duty). There were delays in the Profile Summaries caused by the Defendant's staff.

10. During this time, the Hospital was delaying payments for whatever reason. Reinhardt was not told to stop working, yet the payments were not being made. Reinhardt kept working for fear Defendant would state he breached the contract/agreements instead. In any event Reinhardt is owed now over \$61,000.00 to date.

11. On September 13, 2010, Reinhardt sent a final demand letter outlining the manner in which the Hospital had breached the Service Agreement and making a final demand for payment in the amount of \$61,000, attached as Exhibit "A". In response, Defendant and McLean, the Hospital's attorney, sent Reinhardt a letter that the Hospital does not owe the money (albeit investigation was on-going).

E. Count One - Breach of Contract

12. Plaintiff realleges each and every allegation contained in paragraphs 1 through 11 of this Original Complaint as if fully set forth herein.

13. Defendant Benefis Health Systems, Inc. breached the valid Service Agreement it entered into with MSR Healthcare Group. MSR has fully performed its duties under the Service Agreement. Defendant has breached the contract by, among other things, failing to pay MSR for the services rendered under the Service Agreement, causing damage to MSR.

F. Count Two - Fraud

14. Plaintiff realleges each and every allegation contained in paragraphs 1 through 11 of this Original Complaint as if fully set forth herein.

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15. Defendant made representations to MSR about the Hospital's ability and willingness to abide by the terms of the Service Agreement, including payment for MSR's services. These representations were material to MSR at the time they were made, but were false. When Defendant made these representations Defendant knew they were false and made them with the intention that MSR act on the representations. MSR relied on Defendant's representations to its detriment, resulting in injury to MSR.

16. At the time Defendant's employees made these fraudulent representations, Defendant's employees were acting within the course and scope of their position. The Hospital is therefore liable for Defendant's employees' fraudulent misrepresentations.

G. Prayer

17. For these reasons, Plaintiff MEDSOURCE STAFFING, LLC, D/B/A MSR HEALTHCARE GROUP asks that the Court issue citation for Defendants to appear and answer, and that Plaintiff be awarded a judgment against defendant for the following:

- a. Actual damages;
- b. Exemplary damages;
- c. Prejudgment and post judgment interest;
- d. Court costs;
- e. Attorneys fees; and
- f. All other relief to which Plaintiff is entitled.

Respectfully submitted,

SANCHEZ, WHITTINGTON, ZABARTE
& WOOD, LLC
3505 Boca Chica Blvd., Suite 100
Brownsville, Texas 78521-4214

CERTIFIED COPY

Telephone: (956) 546-3731

Telecopier: (956) 546-3766

By: 

Francisco J. Zabarte

State Bar No. 22235300

Cameron County ID. 2209

ATTORNEY FOR PLAINTIFF

SANCHEZ, WHITTINGTON, ZABARTE & WOOD, LLC

Attorneys at Law

3505 Boca Chica Blvd., Suite 100

Brownsville, Texas 78521-4214

Sender's email: fzabarte@swjz.com

TEL. (956) 546-3731

FAX (956) 546-3765 & 546-3766

File No. 26262

JACK D. SANCHEZ (1945-1987)

DENNIS M. SANCHEZ, P.C.

ROBERT A. WHITTINGTON, P.C.

FRANCISCO J. ZABARTE, P.C.

C. FRANK WOOD, P.C.

JUAN "TREY" MENDEZ, III, P.C.

September 13, 2010

VIA E-CERTIFIED MAIL, REGULAR MAIL & E-MAIL

Benefis Health System

1101 26th Street South

Great Falls, MT 59405

91 7108 2133 3937 2307 2229

ATTN: Ann Graff

Re: MSR Healthcare Group

Dear Sirs:

Please be advised I represent MSR Healthcare Group.

Your account with my client has been turned over to the undersigned for collection. Demand is hereby made that the full amount of the accrued charges to date, being the amount of \$61,000 (Sixty-One Thousand and no/100ths) Dollars be paid in full on or before (10) days from the date of this letter. In the event that said amount is not paid, I have instructions from my client to take whatever action may be appropriate, including institution of litigation in the appropriate court. Apparently, my client's representative has spoken to your representatives several times, and although no denials of the account have been made, no payments have been forthcoming. Further, my client continues to do work as requested by your client, and my client expects additional compensation.

In the event litigation is necessary, you may be held additionally liable for all reasonable attorney's fees incurred in the prosecution of any such action, and the lawsuit will not only make allegations of individual and corporate breach of contract, but will also allege tort causes of action and punitive damages which may be warranted under the circumstances.

Unless you dispute the validity of the debt and such communication is received by the undersigned within thirty (30) days of your receipt of this letter, the debt will be assumed valid. If written notification from you is received within thirty (30) days that the debt, or any portion thereof



Benefis Health System

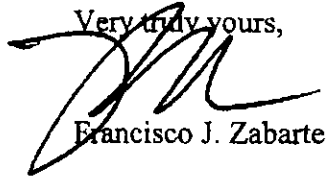
September 13, 2010

Page 2

is disputed, the undersigned will obtain verification of the debt and a copy of such verification will be mailed to you. The undersigned is attempting to collect this debt from you on behalf of MSR Healthcare Group, and information obtained will be used for that purpose.

Should you care to discuss the above, please do not hesitate to contact the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to be 'FJZ', written over the typed name.

Francisco J. Zabarte

FJZ:nd

SANCHEZ, WHITTINGTON, ZABARTE & WOOD, LLC

Attorneys at Law

3505 Boca Chica Blvd., Suite 100

Brownsville, Texas 78521-4214

Sender's email: fzabarte@swjz.com

TEL. (956) 546-3731

FAX (956) 546-3765 & 546-3766

File No. 26262

JACK D. SANCHEZ (1945-1987)

DENNIS M. SANCHEZ, P.C.

ROBERT A. WHITTINGTON, P.C.

FRANCISCO J. ZABARTE, P.C.

C. FRANK WOOD, P.C.

JUAN "TREY" MENDEZ, III, P.C.

October 27, 2010

HAND DELIVERED

Mrs. Aurora de la Garza
Cameron County District Clerk
974 East Harrison Street
Brownsville, Texas 78520

Re: Medsource Staffing, LLC, d/b/a MSR Consulting Group
vs. Benefis Health System, Inc.

Dear Mrs. de la Garza:

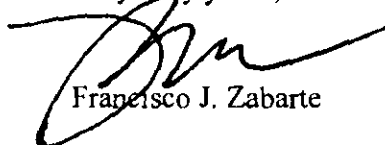
Enclosed for filing in connection with the above referenced cause is the original and two copies of Plaintiff's Original Petition and Request for Jury. Also enclosed is my check in the amount of \$318.00 in payment of your filing fees.

Please issue citation to defendant by E-Certified Mail as follows:

John Goodnow, Registered Agent
Benefis Health System, Inc.
1101 26th Street South
Great Falls, Montana 59405

Thank you for your attention to this matter.

Very truly yours,



Francisco J. Zabarte

FJZ:nd
Enclosures

10/27/10
DPA 318.00
CH 4547
mf

<p>SENDER: COMPLETE THIS SECTION</p> <p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Article Addressed to:</p> <p>BENEFIS HEALTH SYSTEM INC 1101 26TH ST S GREAT FALLS MT 59405 CAUSE # 2010-DCL-6582 FILE DATE 10/27/2010</p>		<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <i>[Signature]</i></p> <p>B. Received by (Printed Name) <i>[Signature]</i></p> <p>C. Date of Delivery <i>[Signature]</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>If YES, enter delivery address below:</p> <p><i>PO Box 5013 GTF MT 59403-5013</i></p>	
<p>2. Article Number <i>7010 0290 0003 4190 5962</i></p> <p>(Transfer from service label)</p> <p>Domestic Return Receipt</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

102585-02-M-1540

CERTIFIED COPY

CITATION BY CERTIFIED MAIL - TRC 106

THE STATE OF TEXAS

2010-DCL-06582

ORIGINAL

**MEDSOURCE STAFFING, LLC D/B/A MSR
HEALTHCARE GROUP**

§ IN THE 357TH DISTRICT COURT

VS

§ OF

BENEFIS HEALTH SYSTEM, INC

§ CAMERON COUNTY, TEXAS

**TO BENEFIS HEALTH SYSTEM INC
1101 26TH ST S
GREAT FALLS MT 59405, GREETING:**

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 am on the Monday next following the expiration of 20 day after the date you were served this citation and petition, a default judgment may be taken against you." TRCP. 99

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR JURY** at or before 10:00 o'clock A.M. on the Monday next after the expiration of 20 days after the date of service of this citation before the Honorable 357th District Court of Cameron County, at the Courthouse in said County in Brownsville, Texas. Said **PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR JURY** was filed in said court on the **27th day of October, 2010** in the above entitled cause.

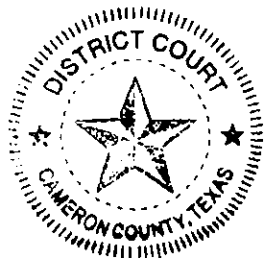
The nature of Plaintiff's demand is fully shown by a true and correct copy of **PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR JURY** accompanying this citation and made a part hereof.

Issued and given under my hand and seal of said Court at Brownsville, Texas, on this the 27th day of October, 2010.

**ATTORNEY:
FRANCISCO J. ZABARTE
22235300
(956)546-3731
3505 Boca Chica Blvd Ste 100
Brownsville TX 78521-4214**

Aurora De La Garza
District Clerk
Cameron County, Texas

By: 
Marc A. Velasquez, Deputy Clerk



CERTIFIED COPY**CERTIFICATE OF DELIVERY BY CERTIFIED MAIL**

Came to hand on the ____ day of _____ at ____ o'clock ____ M and executed the ____ day of _____ by mailing the same to _____ Defendant by registered or certified mail, with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the petition were attached thereto.

Fees: \$ _____

Certified Mail NO. _____

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR JURY

Return Receipt Requested

Deliver to Addressee Only

(Attach return receipts with addressee's signature on reverse)

Aurora De La Garza

District Clerk

Cameron County, Texas

By: _____

Marc A. Velasquez, Deputy Clerk

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ _____
Certified Fee	_____
Return Receipt Fee (Endorsement Required)	_____
Restricted Delivery Fee (Endorsement Required)	_____
Total Pk	_____
Sent To	BENEFIS HEALTH SYSTEM INC
Street, Apt or PO Box	1101 26TH ST S
City, State	GREAT FALLS MT 59405
PS Form	CAUSE # 2010-DCL-6582
	FILE DATE 10/27/2010

Postmark Here

7010 0290 0003 4190 5962

FILED 11-00-0000
AURORA DE LA GARZA, CLERK

CERTIFIED COPY

NOV 22 2010 *Edt*

Cause No. 2010-DCL-6582

DISTRICT COURT OF CAMERON COUNTY, TEXAS
DEPUTY

MEDSOURCE STAFFING, L.L.C.,
D/B/A MSR HEALTHCARE GROUP

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IN THE DISTRICT COURT

VS.

OF CAMERON COUNTY, TEXAS

BENEFIS HEALTH SYSTEM, INC.

357TH JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW BENEFIS HEALTH SYSTEM, INC., Defendant in the above entitled and numbered cause, and files this its Original Answer to Plaintiff's Original Petition and would show the Court the following:

I. -- GENERAL DENIAL

Defendant denies each and every, all and singular, the allegations contained in Plaintiff's Original Petition and demand strict proof thereof.

WHEREFORE, PREMISES CONSIDERED Defendants pray that Plaintiff's Original Petition be dismissed at Plaintiff's cost; and for such other and further relief to which Defendant may be entitled, either at law or in equity.

Respectfully submitted,

ROERIG, OLIVEIRA & FISHER, L.L.P.
855 West Price Road, Suite 9
Brownsville, Texas 78520
956/542-5666 (Telephone)
956/542-0016 (Telecopier)

Attorneys for Defendant

By

Rene O. Oliveira
RENE O. OLIVEIRA
Texas State Bar No. 15254700
Cameron County I.D. No. 3507

CERTIFIED COPY

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Defendant's Original Answer has been forwarded to the following:

Francisco Zabarte
SANCHEZ, WHITTINGTON, ZABARTE & WOOD, L.L.C.
3505 Boca Chica Boulevard, Suite 100
Brownsville, Texas 78521-4214

on this the 19th day of November, 2010.



Rene O. Oliveira



AURORA DE LA GARZA
CAMERON COUNTY DISTRICT CLERK
974 East Harrison Street - Brownsville, Texas 78520
Office (956) 544-0838 Fax (956) 544-0841

COVER LETTER-REQUEST

DATE: November 22, 2010

DISTRICT CLERK:

RE: CAUSE NO. 2010-DCL-6582

Medsource Staffing, LLC VS. Benefis Health System, Inc.
d/b/a MSR Healthcare Group

ENCLOSED FOR FILING, PLEASE FIND THE FOLLOWING:

- ☐ Plaintiff's Original Petition. ☐ Plaintiff's _____ Amended Petition.
☒ Defendant's Original Answer. ☐ Defendant's _____ Amended Answer.
☐ Our firm check in the amount of \$ _____ for court costs.
☐ Motion _____
☐ Order _____
☐ Judgment _____
☐ Decree of Divorce _____
☐ Jury Fee Request and deposit of \$ _____
☐ Other _____

PLEASE INDICATE YOUR REQUEST BELOW:

- ☐ Request for Issuance of Writ of Withholding to Employer - \$35.00 fee paid
By: _____
☐ Prepare an Abstract of Judgment - \$8.00 fee paid by _____
☐ Prepare Writ of Execution - \$8.00 fee paid _____
☐ Prepare Order of Sale - \$8.00 fee paid _____
☐ Prepare Citation and return for out-of county service.
☐ Prepare Citation and have Defendant(s) served by Sheriff's Office.
☐ Prepare Citation by Certified Mail, Return Receipt Requested.
☐ Prepare Citation and serve Defendant(s) by Civil Process server _____
☒ File among papers in the above styled and numbered cause.
☐ Other _____

Signature

Rene O. Oliveira
☒ Attorney ☐ Party in the case ☐ Other

Print Name: Rene O. Oliveira

Received by: Deputy District Clerk

Ck# _____ Cash _____

xc: Francisco Zabarte, Certified Mail, Return Receipt Requested